

GOULD'S "SCOTCH" MARRIAGE

Explanation of Peculiar Status of Matrimony in Scotland.

PARENTS' CONSENT NOT REQUIRED

Boys of Fourteen Years and Girls of Twelve Can Wed if Certain Preliminary Requirements Are Met.

BY LADY MARY MANWARING.

LONDON, Dec. 10.—(Special to The Bee.)—The "Scotch marriage" has been again brought into prominence by the recent announcement that Frank Jay Gould, son of the famous American financial family, had taken to wife Miss Edith Kelly, a pretty English actress, after the Scotch fashion, and had installed her as mistress of Abbotsford, famous the world over as the home of the great Sir Walter Scott.

Scotland has long been noted for its easy marriage laws, of which the jovial ladies and lassies of the more punctilious south have taken advantage for generations.

In Scotland there are two classes of valid marriages, "regular" and "irregular," and even in the case of the former there are important differences from English procedure.

In England a minor cannot legally marry without the consent of his or her parents or other guardians, but in Scotland a minor need ask nobody's leave before "committing matrimony," provided that, if a "man," he has reached the age of 14, if a "woman," she is a venerable Venus of 16.

Then, south of the Tweed, and in default of a "special license," a marriage may be celebrated in a church, chapel or other building licensed for marriages, or before a registrar, and must take place between the hours of 9 a. m. and 3 p. m.

Across the border, however, even a "regular" marriage, blessed by the church, can be celebrated in any kind of place and at any time of day or night.

"Irregular Marriages." Interest, however, centers chiefly around Scotch "irregular" marriages, of which there are three kinds recognized by law.

In the first class is "marriage by declaration or acknowledgment." Here the contracting parties simply declare, either verbally or in writing, before two witnesses, that they take each other for husband and wife, or that they have already done so. The only stipulations are that the parties must be capable of marriage and without legal impediment, that they should be known to the witnesses, who, in turn, must be legally competent to give evidence, and that one of the parties shall have resided in Scotland for twenty-one days immediately preceding the ceremony.

Registration is not necessary to make the marriage valid, but it is usual sooner or later to apply to the sheriff of the county in which the marriage took place to record it in a book kept for the purpose.

A good deal of nonsense has been written about these marriages by declaration. Many a romance has been made to hinge on such a plot as a couple playing in amateur theatricals going through a mock irregular marriage only to find themselves tied up hard and fast for life. This is mere moonshine, for the validity of a marriage by declaration depends on the intention and free consent of the parties to be married.

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As the declaration may be made verbally, and the marriage need not be registered, it is clear that if the witnesses die there may be a difficulty in establishing marriage. It would seem that if a villain marries a girl by declaration and grows tired of her, he has only to get rid of the witnesses somehow or other to be in a position to repudiate his wife, but here the law is against him.

This brings us to the second class of "irregular marriage," namely "marriage by repute or habit."

If a couple have lived together as husband and wife, and addressed each other as such, and if the wife has borne children to him, and if the husband has acknowledged them, the Scottish law holds them married, although proof of marriage may be wanting; even if, in fact, no ceremony has been gone through with. Therefore villainy of the kind mentioned would rarely be successful, for in most cases the courts would give the wronged woman her rights.

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It is not uninteresting to remember that stature, not precedence, was the first consideration in the choosing of the four duchesses who held the canopy over Queen Alexandra's head during the ceremony of crowning. The duchesses of Rutland, Marlborough, Devonshire and Portland were chosen, as all are tall, and all pretty much of a height. Whether Queen Mary will choose her attendants by the same method remains to be seen, but it is more probable that the choice will be made according to rank, in which case the duchesses of Norfolk, Somerset, Devonshire and Leinster would probably take the office.

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